IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7558 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DY.EXECUTIVE ENGINEER - Petitioner(s)

Versus

MAHENDRAGIRI RUPGIRI MEGHNATHI - Respondent(s)

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Appearance :

MS NAYANA V PANCHAL for Petitioner No(s).: 1.

MS VINITA VINAYAK for MRS SANGEETA N PAHWA for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 18/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the award dated 10.10.1997 passed by the Labour Court, Junagadh, in

Reference No.127 of 1993, whereby the petitioner was directed to reinstate the respondent to his original Post with continuity of service but without any back wages.

2.0 The respondent herein was appointed as a Clerk with the petitioner and had worked for about six years until he was relieved from the service in the year 1984. Pursuant to the above, the respondent raised a dispute before the Labour Court, Junagadh, by way of a Reference. The Labour Court, Junagadh, after hearing the parties, passed the impugned award. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. While admitting the matter on 20.09.1999, this Court had stayed the implementation of the impugned order subject to the compliance of the provisions of Section 17(B) of the Industrial Disputes Act, 1947.

3.1 The Labour Court has recorded a finding that the respondent was terminated from service without following the procedure prescribed under the law though employees junior to him were continued in service. Moreover, the petitioner had also failed to prove that the respondent

was working as a daily wager only. I am in complete agreement with the reasonings given by and the findings arrived at by the Labour Court and hence, find no reason to interfere in this petition.

4.0 In above view of the matter, the petition is dismissed. The impugned award of the Labour Court, Junagadh, is confirmed. The petitioner is directed to implement the award of the Labour Court within a period of three months from today. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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